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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/611,559	06/30/2003	Joshua D. Posamentier	42P16460	5951
8791	7590	04/04/2005	EXAMINER	
BLAKELY SOKOLOFF TAYLOR & ZAFMAN 12400 WILSHIRE BOULEVARD SEVENTH FLOOR LOS ANGELES, CA 90025-1030			BOUTSIKARIS, LEONIDAS	
			ART UNIT	PAPER NUMBER
			2872	

DATE MAILED: 04/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/611,559

Applicant(s)

POSAMENTIER, JOSHUA D.

Examiner

Leo Boutsikaris

Art Unit

2872

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Johnson (US 6,547,448).

Johnson discloses an optical connector 10 (Fig. 1), comprising:

a probe comprising a rigid support 15 made from ceramic encasing an optical fiber 17;

a receptacle 11 formed from a material softer than the rigid support, the receptacle comprising an opening to receive the probe; and

a sleeve 12 lining an inner wall of the opening directly against the material softer than the rigid support, and wherein an end of the sleeve is flush with the opening (lines 45-66, col. 3, 49-52, col. 4, 11-12, col. 5).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-4, 7-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson (US 6,547,448).

Regarding claim 2, Johnson discloses all the limitations of the above claim, including the limitation that the sleeve 12 is substantially cylindrical in shape (lines 25-26, col. 4), except for teaching that it has a C-shaped cross section. However, Johnson discloses that the alignment sleeve 13, which extends co-axially and in contact with the sleeve 12 has a slit along the full length to allow the sleeve to expand diametrically to allow insertion of the ferrule (lines 66-67, col. 4). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a longitudinal slit along the length of the sleeve 12 as well, i.e., making the sleeve have a C-shaped cross section, for easier alignment with sleeve 13, as well as firmer placement inside the receptacle 11.

Regarding claim 3, the sleeve 12 is made from ceramic (lines 49-50, col. 4).

Regarding claims 4, 8, 13, 15, Johnson discloses all the limitations of the above claims except for specifying the material from which the sleeve or the receptacle are made. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use brass for the sleeve 12 or PEI plastic for the receptacle 11, since it has been held to be within the ordinary skill in the art to select a known material in the basis of its suitability for the intended use. *Sinclair & Carroll Co. v. Interchemical Corp.*, 325 U.S. 327, 65 USPQ 297 (1945). Here, brass and PEI plastic provide strength/durability and flexibility, respectively, which are

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properties exhibited by the ceramic sleeve and the resin impregnated woven fiber, respectively, of Johnson's device.

Regarding claims 7, 9-12, 14, the receptacle 11 is made from resin-impregnated woven fiber, made through an injection molding process (lines 4-18, col. 4).

Claims 5-6, 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson (US 6,547,448) in view of Anderson (US 2004/0190841).

Johnson discloses all the limitations of the above claims except for specifying that the connector comprises an LC or an SC female connector. Anderson teaches that small form factor optical connectors such as LC fiber optic connectors employing ceramic ferrules are widely used in conjunction with fiber optic cables ([0008]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use LC connectors for the fiber-to-fiber coupler disclosed by Johnson, since LC connectors have smaller-sized ferrules than other connectors, such as FC, SC or ST connectors.

### ***Response to Arguments***

Applicant's arguments filed on 12/27/2004 have been fully considered but they are not persuasive. The amended language of claims 1, 9 still reads on the structure of Fig. 1 of Johnson, wherein the tubular sheath 12 can be considered as a sleeve placed in the interior of composite structure 11 directly against an interior surface of it, and flush with the opening. The existence of an additional sleeve 13 used for alignment purposes does not negate the fact that the structure of Fig. 1 contains all the positive limitations of claims 1, 9.

### ***Conclusion***

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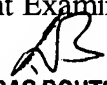
Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Leo Boutsikaris whose telephone number is 571-272-2308.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Leo Boutsikaris, Ph.D.  
Primary Patent Examiner, AU 2872  
April 1, 2005

  
**LEONIDAS BOUTSIKARIS**  
**PRIMARY EXAMINER**